

1 **SENATE CONCURRENT RESOLUTION NO. 49**

2 (By Senators Hall, Plymale and Edgell)

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6 Requesting the Joint Committee on Government and Finance to study
7 the fiscal impact and effects of making mandatory drug testing
8 a part of the state regulatory program for miners,
9 apprenticeship miners and applicants for a position as a
10 miner.

11 Whereas, West Virginia coal miners brave potentially dangerous
12 working conditions on a daily basis to give the state the coal it
13 needs to keep the power on; and

14 Whereas, These conditions only become more dangerous when a
15 miner works beside someone that is under the influence of a
16 controlled substance; and

17 Whereas, These dangers can be prevented and deterred if a
18 strong drug testing program were to be put into place to protect
19 the safety of our West Virginia coal miners; and

20 Whereas, The drug testing program would screen for marijuana
21 metabolites, cocaine metabolites, phencyclidine, amphetamines and
22 opiate metabolites; and

23 Whereas, The drug testing program would test miners
24 preemployment, post-accident, return-to-work from absence, random

1 testing and reasonable suspicion a miner is under the influence;
2 and

3 Whereas, An operator will provide new and current miners with
4 information and training about the drug testing and inform them of
5 their rights and responsibilities under the program; and

6 Whereas, Miners will have an appeals type procedure if they
7 test positive under this drug testing program; therefore, be it

8 *Resolved by the Legislature of West Virginia:*

9 That the Joint Committee on Government and Finance is hereby
10 requested to study the fiscal impact and effects of making
11 mandatory drug testing a part of the state regulatory program for
12 miners, apprenticeship miners and applicants for a position as a
13 miner; and, be it

14 *Further Resolved,* That the Joint Committee on Government and
15 Finance seek input from state agencies and private industry on the
16 impact and effect of mandatory drug testing of coal miners; and, be
17 it

18 *Further Resolved,* That the Joint Committee on Government and
19 Finance report to the regular session of the Legislature, 2012, on
20 its findings, conclusions and recommendations, together with drafts
21 of any legislation necessary to effectuate its recommendations and
22 a written review of the mandatory drug testing programs in
23 surrounding coal states; and, be it

24 *Further Resolved,* That the expenses necessary to conduct this

1 study, to prepare a report and to draft necessary legislation be
2 paid from legislative appropriations to the Joint Committee on
3 Government and Finance.